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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

17 ALLSTATE INSURANCE COMPANY,  
18 ALLSTATE PROPERTY & CASUALTY  
INSURANCE COMPANY, ALLSTATE  
INDEMNITY COMPANY, and ALLSTATE  
19 FIRE & CASUALTY INSURANCE  
COMPANY,

CASE NO. 2:15-cv-2265-MMD-CWH

**Plaintiffs,**

V.

22 MARJORIE BELSKY, MD; MARIO  
23 TARQUINO, MD; MARJORIE BELSKY,  
MD, INC., doing business as INTEGRATED  
24 PAIN SPECIALISTS; and MARIO  
TARQUINO, MD, INC., DOES 1-100, and  
25 ROES 101-200.

**PLAINTIFF' MOTION FOR LEAVE TO  
FILE OVERSIZED BRIEF (RULE 11 -  
MOTION)**

26 Defendants.

**27 AND RELATED CLAIMS**

1 Plaintiffs ALLSTATE INSURANCE COMPANY, ALLSTATE PROPERTY & CASUALTY  
2 INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, and ALLSTATE FIRE &  
3 CASUALTY INSURANCE COMPANY (collectively "Allstate") move this Court for leave to file,  
4 pursuant to LR 7-3, to file an oversized brief; specifically, Plaintiffs' Motion for Sanctions Pursuant to  
5 FRCP 11 that is 31 pages in length (excluding the cover page, the table of contents, the table of  
6 authorities, and the certificate of service).

7 This Motion is made and based on the papers and pleadings on files, the following  
8 Memorandum of Points and Authorities, the Declaration of Dylan P. Todd, attached as Exhibit 1, the  
9 proposed Motion for Sanctions attached hereto as Exhibit 2, and any argument heard by the Court.

10 DATED this 14<sup>th</sup> day of March, 2018

11 McCORMICK, BARSTOW, SHEPPARD,  
12 WAYTE & CARRUTH LLP

13 By /s/ Dylan P. Todd

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## **MEMORANDUM OF POINTS AND AUTHORITIES**

2 LR 7-3(b) provides in relevant part that all motions (except for motions for summary  
3 judgment) "are limited to 24 pages, excluding exhibits." A party may seek leave of Court to exceed  
4 that page limit "upon showing of good cause." LR 7-3(c).

5 On October 17, 2017 Defendants in this matter filed a 21 page Motion for Summary Judgment  
6 (ECF 222.). On November 10, 2017, counsel for Plaintiff provided the initial safe harbor letter,  
7 outlining the various Rule 11 violations, setting forth the legal and factual basis for why the summary  
8 judgment motion should be withdrawn in its entirety. Defendants refused. Following opposition, on  
9 December 22, 2017, Defendants doubled down by filing a 21 page Reply (ECF 252) which included  
10 additional violations of Rule 11 and Rules of Professional Conduct. Defendants continued to  
11 exacerbate the problem, on January 24, 2018, when they brought a 12 page Motion to Stay Discovery  
12 Pending Resolution of their Motion for Summary Judgment (ECF 258) in this case. As a  
13 consequence, the Court has been inundated with frivolous pleadings which Allstate now attempts to  
14 unravel.

15 Good cause exists to permit Allstate to file a Motion for Sanctions that exceeds 24 pages. (Ex.  
16 1.) These motions brought by Defendants are replete with sanctionable conduct. Allstate has to  
17 address all aspects of these, detailing now authority on the issue of Rule 11 sanctions and the Court's  
18 inherent power to demonstrate that Defendants' filings with the court are frivolous, legally  
19 unreasonable, without factual foundation and were brought for an improper purpose.

20 Allstate deserves “a full and fair opportunity to present proper arguments” supporting their  
21 Motion for Sanctions against Defendants. *See Werbicky v. Green Tree Service, LLC.*, No 2:12-CV-  
22 01567-JAD-NJK, 2015 WL 1806857 at \*5 (D. Nev. 2015).

23 Allstate has made all efforts to be concise, but important authority must be provided to the  
24 Court and despite all efforts to keep the response as short as possible, Allstate needs more than 24  
25 pages to lay out the bases for its Motion for Sanctions stemming from Defendants' Motion for  
26 Summary Judgment and Motion to Stay Discovery.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of March, 2018, a true and correct copy of PLAINTIFF'S  
**MOTION FOR LEAVE TO FILE OVERSIZED BRIEF (RULE 11 MOTION)** was served via the  
United States District Court CM/ECF system on all parties or persons requiring notice.

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By /s/ Tricia A. Dorner  
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